

Application No.: 10/706530

Case No.: 58313US003

REMARKS

Reexamination and reconsideration of the application as amended is respectfully requested.

The nonelected claims have been cancelled.

With respect to the 35 U.S.C. 112 rejections claims 20 and 53, as suggested by the examiner, have been amended to clarify the claimed subject matter, indicating that the polymer film is formed with a base layer and a plurality of strands structures on the base layer and it is only the base layer which is subject to the cutting operation substantially through the entire thickness of the base layer. In view of the amendments that the claims overcome the objections under the 35 U.S.C. 112 second paragraph.

The new prior art rejection based on Baird Jr. et al. (U.S. Patent 4,832,834) is respectfully traversed. Claim 1 specifically requires the simultaneous extrusion of a polymer film having a base with strands structures. In Baird the process starts out with a sheet of elastomeric material, which is shown in Figure 1. It is unclear how this sheet of elastomeric material is provided; however, it is certainly not an extruded structure having a base layer and a plurality of integral strand structures on the base layer, as was required in applicant's claim as previously presented, and as currently amended to address the 35 U.S.C. 112 second paragraph objections.

Second in the process of Baird the elastomeric material is subjected to a two stage milling process which is shown in Figures 2 and 3. First one side is milled out using a rotary cutting blade followed by turning the elastic sheet over and milling the opposite face. This sequence is shown in Figures 2 and 3. Baird does not use the term "cut" rather he uses the term "slot cut" using a "rotary cutting blade." This is a different process than simply cutting as is taught specifically in applicant's specification, which is in accordance with the ordinary use of the term "cut" as would be understood by one of skill in the art.

A further rejection of claims 50 – 60 and 21- 26 as being unpatentable over applicants co-pending application 10/780,396 in view of Brumlik (U.S. Patent 3,932,090) and the de Navas Albareda (US Patent 4,056,593) is respectfully traversed for the reason of record relative to Brumlik (note response of September 9, 2005 and interview summary of October 6, 2005). The co-pending application 10/780,396 is a method for forming discrete fibers not a net. One

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combing the two documents would solely be motivated to cut the Brumlik web into discrete strands as taught in applicant's later filed case 10/780,396.

Likewise the double patenting rejection based on copending application 10/619,648 is respectfully traversed. This application only teaches heat treating and does not address the teaching deficiencies of Brumlik noted of record.

In view of the above, it is submitted that the application is in condition for allowance. Reconsideration of the application is requested.

Respectfully submitted,

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Date

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